AO 91 (Rev. 01/09) Criminal Complaint

FILED
U.S. DISTRICT COURT
DISTRICT OF NEW MEXICO
2014 JUN 16 AM 10: 32
CLERK-LAS CRUCES

# UNITED STATES DISTRICT COURT

for the
District of New Mexico

United States of America
v.

Gabriel FERNANDEZ-Guevara
Carlos VALENZUELA
Mariel PADILLA-Zamudio

*Defendant(s)*

Case No: 14MJ 2084

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date of June 12, 2014 in the county of Luna in the State and District of New Mexico, the defendant violated 8,18 U.S.C. §1324(a)(1)(A)(v)(I)(Conspiracy to Violate 1324 - All subsections),, an offense described as follows:

engage in a conspiracy to commit a violation of 8 USC 1324 (a)(1)(A)(ii), to wit: knowing and in reckless disregard of the fact that undocumented aliens had come to, entered, or remained in the United States in violation of law, did transport, or move or attempt to transport or move such aliens within the United States by means of transportation or otherwise, in furtherance of such violation of law.

This criminal complaint is based on these facts:
On June 12, 2014, I, Border Patrol Agents assigned to the Deming Station's Targeted Enforcement Unit (TEU) were patrolling near Hermanas Grade Road. At approximately 11:00 p.m agents located foot sign for approximately 6 individuals walking north bound from Ruckman road three miles west of Hermanas Grade Road. Agents utilizing a Forward Looking Infrared (FLIR) camera were able to gain visual of eight individuals walking northbound south of Hondale road one mile west of Hermanas Grade Road. Agents followed the group until they reached the intersection of Coyote Road and Hermanas Grade Road where the group found a bush to hide in.

☒ Continued on the attached sheet.

*Complainant's signature*

David Alvidrez BORDER PATROL AGENT

*Printed name and title*

Sworn to before me and signed in my presence.

*Judge's signature*

Date: June 14, 2014

City and state: Las Cruces, N.M.

GREGORY B. WORMUTH
U.S. MAGISTRATE JUDGE

*Printed name and title*

## STATE AND DISTRICT OF NEW MEXICO

**VALENZUELA, Carlos**
**FERNANDEZ-Guevara, Gabriel**
**PADILLA-Zamudio, Mariel**

At approximately 3:15 a.m., while remaining concealed, agents overheard a member of the group make a phone call to arrange for somebody to pick them up at that location. At approximately 3:45 a.m. a white Chevrolet extended cab pickup truck turned south on to Hermanas Grade Road from Monte Vista Road. The vehicle passed Coyote Road and made a U-turn and stopped near the location of the subjects hiding in the bush. The group individuals left the brush and got into the bed of the Chevrolet truck. Border Patrol Agents emerged from their location and attempted to make contact with the vehicle at which point the vehicle drove off.

Border Patrol Agents in the area were notified via service radio and activated their emergency equipment (lights and sirens) in an attempt to conduct a vehicle stop. The white Chevrolet pulled away from agents at a high rate of speed, agents terminated the pursuit due to the vehicle turning off its lights and driving in an unsafe manner. Agents were able to maintain a general route of travel of the vehicle due to the driver hitting the brakes and it still being nighttime.

At approximately 4:30 a.m., agents located the vehicle, identified as a white 2000 GMC Sierra with New Mexico license plate 394 SMH registered to German Gomez with an address of 2180 Poppy Drive Northeast Deming, NM 88030, at the intersection of Iron and Oak. The vehicle was abandoned with nobody inside and the vehicle was still running with the driver door left open. Agents located foot sign of approximately four individuals walking eastbound from the truck. Approximately 75 feet from the vehicle, agents located four subjects attempting to hide in a storage shed. Border Patrol Agents identified themselves as such and began to question the subjects as to their citizenship and country of origin. All four subjects freely admitted to being nationals of Mexico without any immigration documents that would allow them to be or remain in the United States legally.

Corporal Lee Cook-Jordan of the Deming Police Department responded to the area to assist in locating the subjects. Sargent Zac Sigman of the Luna County Sheriff's Office who was working operation Stone Garden also responded to the area to assist. Officers Sigman and Cook-Jordan located four more individuals at the intersection of Zinc and Willow also trying to conceal themselves in a small utility room on the northwest corner of the intersection. The two officers contacted agents who responded to the area and identified themselves as a United States Border Patrol Agents and

United States Magistrate Judge
June 14, 2014
Gregory B. Wormuth

~~David Alvidrez~~
Border Patrol Agent
June 14, 2014

# STATE AND DISTRICT OF NEW MEXICO

**VALENZUELA, Carlos**
**FERNANDEZ-Guevara, Gabriel**
**PADILLA-Zamudio, Mariel**

began to question the four individuals as to their citizenship. Two of the individuals freely admitted to being nationals of Mexico not in possession of any immigration documents that would allow them to be or remain in the United States legally. The other two individuals freely admitted to being United States Citizens. Agents asked the two U.S. Citizen subjects why they were hiding in the utility room and they freely admitted to being "the driver and passenger of the vehicle which was fleeing from the Border Patrol".

The eight individuals involved with the fleeing vehicle were placed under arrest and transported to the Deming Border Patrol Station for processing.

At approximately 6:30 a.m. the Deming Police Department contacted the Deming Border Patrol Station to advise us that they had located another suspected alien at the same intersection of Zinc and Willow. Agents responded to the location, identified themselves as United States Border Patrol Agents and began to question the individual as to his citizenship. The individual freely admitted to being a national of Mexico not in possession of any immigration documents that would allow him to be or remain in the United States legally. He also freely stated that he was part of the group that ran from the vehicle which fled from the Border Patrol. He stated that he hid under a bush until all the Border Patrol left the area. He was spotted by the Deming Police. He was placed under arrest and transported back to the Deming border Patrol Station for further processing.

DRIVER STATEMENT:

VALENZUELA was provided with Government form I-214, Warning as to rights, and signed that he understood his rights and was willing to talk to agents without the presence of an attorney. VALENZUELA made the following statement, but not verbatim, about his involvement in the alien smuggling scheme.

United States Magistrate Judge
June 14, 2014
Gregory B. Wormuth

David Alvidrez
Border Patrol Agent
June 14, 2014

# STATE AND DISTRICT OF NEW MEXICO

**VALENZUELA, Carlos**
**FERNANDEZ-Guevara, Gabriel**
**PADILLA-Zamudio, Mariel**

VALENZUELA stated that he was contacted by a subject known to him as "Fuzz", and told him that there was group that needed to get picked up later that night. VALENZUELA stated that he was going to be paid $3000.00 dollars to transport the illegal immigrants to Phoenix, Arizona. VALENZUELA also mentioned that he has also made other arrangements with another known smuggler named "Kiko". VALENZUELA stated that he has picked up illegal aliens one time before in the same area.

VALENZUELA was asked about why he absconded from Border Patrol and he answered that he took off because he didn't want to get caught. VALENZUELA stated that his girlfriend, Senaida (Juvenile) had knowledge of the illegal alien scheme. VALENZUEAL stated that she offered her vehicle because his truck had a broken window and would not be able to make the drive. VALENZUELA stated that they were going to split the $3000.00 dollars equally. VALENZUELA stated that he decided to stop the vehicle and told everyone to get out and run. VANLENZUELA stated that once he stopped the vehicle he pushed his girlfriend out of the vehicle and told her to run. VALENZUELA stated that she grabbed some papers from the truck and took off running. VALENZUELA stated that they ran and went into the backyard of a house to hide. VALENZUELA stated that minutes later they were found by agents and were taken into custody.

PASSANGER STATEMENT:

On June 12, 2014, agents interviewed Senaida (Juvenile), a United States Citizen. Due to her status as a juvenile, at approximately 4:56 a.m., agents informed Senaida's father, of his daughter's arrest and obtained consent to question Senaida (Juvenile) as to her involvement in the alien smuggling scheme. Agents also informed the father of his right to be present during his daughter's questioning, to which he declined. The father was adamant that the Border Patrol charge his daughter as they saw fit even though she is a juvenile. The father stated that he feels that she needs to pay and be punished accordingly for her actions and involvement in any illegal activity. The father also provided a copy of his driver's license and stated he had purchased the vehicle for his daughter two months prior, for the sole purpose of her personal use.

United States Magistrate Judge
June 14, 2014
**Gregory B. Wormuth**

David Alvidrez
Border Patrol Agent
June 14, 2014

# STATE AND DISTRICT OF NEW MEXICO

**VALENZUELA, Carlos**
**FERNANDEZ-Guevara, Gabriel**
**PADILLA-Zamudio, Mariel**

At approximately 5:43 a.m., A Supervisory Border Patrol Agent (SBPA) read Senaida (Juvenile) her rights in the English language via Government Form I-214. Senaida (Juvenile) signed acknowledging that she understood her rights and was willing to answer questions without an attorney present. When questioned as to whom the vehicle belonged to, Senaida (Juvenile) stated her father had purchased the vehicle for her two months prior. When questioned as to her involvement in the alien smuggling scheme at the time of her arrest, Senaida (Juvenile) stated she knew that they were going to pick up a group of undocumented aliens. Senaida (Juvenile) stated that earlier that night her boyfriend, Carlos VALENZUELA received a call from an unknown person and that she had not been able to tell what the call was about because he had stepped out of the room. Senaida (Juvenile) further stated she was going to be paid for her involvement in the alien smuggling scheme, but was unsure of the amount. Senaida (Juvenile) stated VALENZUELA was the driver of the vehicle and she was the front seat passenger. Senaida (Juvenile) further stated her cousin, Raymundo FRANCO and their friend Fabian PARRA were the rear seat passengers. Senaida (Juvenile) further stated that when they approached the pickup location, VALENZUELA made a U-turn and told them to "get ready, because we're going to pick up people". Senaida (Juvenile) stated that VALENZUELA then proceeded to stop the vehicle and at that time the aliens jumped into the cargo area of her truck. Senaida (Juvenile) further stated she observed Border Patrol vehicles with their lights on, and VALENZUELA drove away at a high rate of speed. Senaida (Juvenile) stated she told VALENZUELA "what are you doing, just stop". Senaida (Juvenile) stated VALENZUELA was ignoring what she was telling him while they were being pursued. Senaida (Juvenile) stated she was in fear for her life, especially when VALENZUELA began driving with the vehicle's lights off, in an attempt to evade arrest. Senaida (Juvenile) stated that when they drove into Deming, NM, VALENZUELA stopped the vehicle, and everyone got out. Senaida (Juvenile) stated FRANCO told her to take her identification documents with her, and that they ran in different directions. Senaida (Juvenile) was found in possession of the vehicle registration along with the owner's manual at the time of her arrest. Senaida (Juvenile) further stated that she and VALENZUELA ran into an alley, jumped into a backyard, and hid in a shed until they were apprehended. Furthermore, Senaida (Juvenile) denied having any knowledge of where FRANCO and PARRA might have gone.

FOOT GUIDE #1 STATEMENT:

United States Magistrate Judge
June 14, 2014 Gregory B. Wormuth

David Alvidrez
Border Patrol Agent
June 14, 2014

# STATE AND DISTRICT OF NEW MEXICO

**VALENZUELA, Carlos**
**FERNANDEZ-Guevara, Gabriel**
**PADILLA-Zamudio, Mariel**

Agents interviewed FERNANDEZ; FERNANDEZ is one of the undocumented aliens apprehended in the smuggling scheme. FERNANDEZ was provided with Government form I-214, Warning as to Rights, and signed that he understood his rights and was willing to talk to agents without the presence of an attorney. FERNANDEZ made the following statement, but not verbatim, about his involvement in the alien smuggling scheme.

FERNANDEZ was advised that the other subjects he had been apprehended with had identified him as the group's foot guide. FERNANDEZ initially denied that he was a foot guide, but later recanted and stated that he was in fact the foot guide.

FERNANDEZ stated that he was guiding the group. When asked to explain, FERNANDEZ stated that he had previously guided several groups successfully illegally into the United States. FERNANDEZ this time was going to be paid $100 per each undocumented alien delivered successfully. FERNANDEZ stated that a couple of weeks ago he had guided a group through the same route. Once he delivered the group he was taken back to Mexico trough El Paso, Texas and back into Ciudad Juarez, Chihuahua.

FERNANDEZ identified VALENZUELA as the driver who returned him to Mexico. He also stated that VALENZUELA was driving the same Chevrolet Pickup which was used to transport the subjects with this case.
FERNANDEZ was asked if he acted alone or if he had help in guiding the group. FERNANDEZ identified a subject later identified as Mariel PADILLA-Zamudio. FERNANDEZ states that PADILLA was involved in the smuggling scheme as an apprentice.

FOOT GUIDE #2 STATEMENT:

Agents interviewed PADILLA; PADILLA is one of the undocumented aliens apprehended in the smuggling scheme. PADILLA was provided with Government form I-214, Warning as to Rights, and signed that he understood his rights and was willing to talk to us without the presence of an attorney. PADILLA made the following statement, but not verbatim, about his

United States Magistrate Judge
June 14, 2014
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Border Patrol Agent
June 14, 2014

# STATE AND DISTRICT OF NEW MEXICO

**VALENZUELA, Carlos**
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**PADILLA-Zamudio, Mariel**

involvement in the alien smuggling scheme.

PADILLA stated that a few weeks ago he had made smuggling arrangements with a smuggler known to him as "KIKO". PADILLA stated that he was subsequently apprehended and deported back to Mexico. PADILLA further stated that he contacted "KIKO" via cell phone and again made smuggling arrangements and he was transported to U.S./Mexico International Border with a group of seven individuals. PADILLA stated that they walked for two days and were picked up by a white truck. PADILLA stated that they were chased by law enforcement.

PADILLA stated that the truck eventually stopped and they were told by the driver to get out and run. PADILLA stated that he ran and hid near some brush. PADILLA stated that he was eventually found by Border Patrol and was arrested.

PADILLA was asked if he was being trained to be a future footguide. PADILLA was also told that he was identified by other members of the group as a guide in training. PADILLA stated that he was not a guide and that he just wanted to come and work in the United States. PADILLA stated that his phone calls to the smuggler KIKO were only to make arrangements with him. PADILLA admitted that while he and the rest of the group made their way through the desert he would provide "KIKO" with updates on their status in an attempt to facilitate a successful pickup.

AUSA Randy Castellano was notified of the afformentioned facts and approved criminal prosecution.

United States Magistrate Judge
June 14, 2014
**Gregory B. Wormuth**

David Alvidrez
Border Patrol Agent
June 14, 2014

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# UNITED STATES DISTRICT COURT

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Gabriel FERNANDEZ-Guevara
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Mariel PADILLA-Zamudio

*Defendant(s)*

Case No: 14MJ2084

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date of June 12, 2014 in the county of Luna in the State and District of New Mexico, the defendant violated 8 18 U.S.C. §1324(a)(1)(A)(v)(I)(Conspiracy to Violate 1324 - All subsections)., an offense described as follows:

engage in a conspiracy to commit a violation of 8 USC 1324 (a)(1)(A)(ii), to wit: knowing and in reckless disregard of the fact that undocumented aliens had come to, entered, or remained in the United States in violation of law, did transport, or move or attempt to transport or move such aliens within the United States by means of transportation or otherwise, in furtherance of such violation of law.

This criminal complaint is based on these facts:
On June 12, 2014, I, Border Patrol Agents assigned to the Deming Station's Targeted Enforcement Unit (TEU) were patrolling near Hermanas Grade Road. At approximately 11:00 p.m agents located foot sign for approximately 6 individuals walking north bound from Ruckman road three miles west of Hermanas Grade Road. Agents utilizing a Forward Looking Infrared (FLIR) camera were able to gain visual of eight individuals walking northbound south of Hondale road one mile west of Hermanas Grade Road. Agents followed the group until they reached the intersection of Coyote Road and Hermanas Grade Road where the group found a bush to hide in.

☒ Continued on the attached sheet.

*Complainant's signature*

David Alvidrez BORDER PATROL AGENT

*Printed name and title*

Sworn to before me and signed in my presence.

Date: June 14, 2014

*Judge's signature*

City and state: Las Cruces, N.M.

*Printed name and title*

# STATE AND DISTRICT OF NEW MEXICO

**VALENZUELA, Carlos**
**FERNANDEZ-Guevara, Gabriel**
**PADILLA-Zamudio, Mariel**

At approximately 3:15 a.m., while remaining concealed, agents overheard a member of the group make a phone call to arrange for somebody to pick them up at that location. At approximately 3:45 a.m. a white Chevrolet extended cab pickup truck turned south on to Hermanas Grade Road from Monte Vista Road. The vehicle passed Coyote Road and made a U-turn and stopped near the location of the subjects hiding in the bush. The group individuals left the brush and got into the bed of the Chevrolet truck. Border Patrol Agents emerged from their location and attempted to make contact with the vehicle at which point the vehicle drove off.

Border Patrol Agents in the area were notified via service radio and activated their emergency equipment (lights and sirens) in an attempt to conduct a vehicle stop. The white Chevrolet pulled away from agents at a high rate of speed, agents terminated the pursuit due to the vehicle turning off its lights and driving in an unsafe manner. Agents were able to maintain a general route of travel of the vehicle due to the driver hitting the brakes and it still being nighttime.

At approximately 4:30 a.m., agents located the vehicle, identified as a white 2000 GMC Sierra with New Mexico license plate 394 SMH registered to German Gomez with an address of 2180 Poppy Drive Northeast Deming, NM 88030, at the intersection of Iron and Oak. The vehicle was abandoned with nobody inside and the vehicle was still running with the driver door left open. Agents located foot sign of approximately four individuals walking eastbound from the truck. Approximately 75 feet from the vehicle, agents located four subjects attempting to hide in a storage shed. Border Patrol Agents identified themselves as such and began to question the subjects as to their citizenship and country of origin. All four subjects freely admitted to being nationals of Mexico without any immigration documents that would allow them to be or remain in the United States legally.

Corporal Lee Cook-Jordan of the Deming Police Department responded to the area to assist in locating the subjects. Sargent Zac Sigman of the Luna County Sheriff's Office who was working operation Stone Garden also responded to the area to assist. Officers Sigman and Cook-Jordan located four more individuals at the intersection of Zinc and Willow also trying to conceal themselves in a small utility room on the northwest corner of the intersection. The two officers contacted agents who responded to the area and identified themselves as a United States Border Patrol Agents and

David Alvidrez

United States Magistrate Judge
June 14, 2014

Border Patrol Agent
June 14, 2014

# STATE AND DISTRICT OF NEW MEXICO

**VALENZUELA, Carlos**
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The eight individuals involved with the fleeing vehicle were placed under arrest and transported to the Deming Border Patrol Station for processing.

At approximately 6:30 a.m. the Deming Police Department contacted the Deming Border Patrol Station to advise us that they had located another suspected alien at the same intersection of Zinc and Willow. Agents responded to the location, identified themselves as United States Border Patrol Agents and began to question the individual as to his citizenship. The individual freely admitted to being a national of Mexico not in possession of any immigration documents that would allow him to be or remain in the United States legally. He also freely stated that he was part of the group that ran from the vehicle which fled from the Border Patrol. He stated that he hid under a bush until all the Border Patrol left the area. He was spotted by the Deming Police. He was placed under arrest and transported back to the Deming border Patrol Station for further processing.

DRIVER STATEMENT:

VALENZUELA was provided with Government form I-214, Warning as to rights, and signed that he understood his rights and was willing to talk to agents without the presence of an attorney. VALENZUELA made the following statement, but not verbatim, about his involvement in the alien smuggling scheme.

United States Magistrate Judge
June 14, 2014

David Alvidrez
Border Patrol Agent
June 14, 2014

## STATE AND DISTRICT OF NEW MEXICO

**VALENZUELA, Carlos**
**FERNANDEZ-Guevara, Gabriel**
**PADILLA-Zamudio, Mariel**

VALENZUELA stated that he was contacted by a subject known to him as "Fuzz", and told him that there was group that needed to get picked up later that night. VALENZUELA stated that he was going to be paid $3000.00 dollars to transport the illegal immigrants to Phoenix, Arizona. VALENZUELA also mentioned that he has also made other arrangements with another known smuggler named "Kiko". VALENZUELA stated that he has picked up illegal aliens one time before in the same area.

VALENZUELA was asked about why he absconded from Border Patrol and he answered that he took off because he didn't want to get caught. VALENZUELA stated that his girlfriend, Senaida (Juvenile) had knowledge of the illegal alien scheme. VALENZUEAL stated that she offered her vehicle because his truck had a broken window and would not be able to make the drive. VALENZUELA stated that they were going to split the $3000.00 dollars equally. VALENZUELA stated that he decided to stop the vehicle and told everyone to get out and run. VANLENZUELA stated that once he stopped the vehicle he pushed his girlfriend out of the vehicle and told her to run. VALENZUELA stated that she grabbed some papers from the truck and took off running. VALENZUELA stated that they ran and went into the backyard of a house to hide. VALENZUELA stated that minutes later they were found by agents and were taken into custody.

PASSANGER STATEMENT:

On June 12, 2014, agents interviewed Senaida (Juvenile), a United States Citizen. Due to her status as a juvenile, at approximately 4:56 a.m., agents informed Senaida's father, of his daughter's arrest and obtained consent to question Senaida (Juvenile) as to her involvement in the alien smuggling scheme. Agents also informed the father of his right to be present during his daughter's questioning, to which he declined. The father was adamant that the Border Patrol charge his daughter as they saw fit even though she is a juvenile. The father stated that he feels that she needs to pay and be punished accordingly for her actions and involvement in any illegal activity. The father also provided a copy of his driver's license and stated he had purchased the vehicle for his daughter two months prior, for the sole purpose of her personal use.

David Alvidrez

United States Magistrate Judge
June 14, 2014

Border Patrol Agent
June 14, 2014

# STATE AND DISTRICT OF NEW MEXICO

**VALENZUELA, Carlos**
**FERNANDEZ-Guevara, Gabriel**
**PADILLA-Zamudio, Mariel**

At approximately 5:43 a.m., A Supervisory Border Patrol Agent (SBPA) read Senaida (Juvenile) her rights in the English language via Government Form I-214. Senaida (Juvenile) signed acknowledging that she understood her rights and was willing to answer questions without an attorney present. When questioned as to whom the vehicle belonged to, Senaida (Juvenile) stated her father had purchased the vehicle for her two months prior. When questioned as to her involvement in the alien smuggling scheme at the time of her arrest, Senaida (Juvenile) stated she knew that they were going to pick up a group of undocumented aliens. Senaida (Juvenile) stated that earlier that night her boyfriend, Carlos VALENZUELA received a call from an unknown person and that she had not been able to tell what the call was about because he had stepped out of the room. Senaida (Juvenile) further stated she was going to be paid for her involvement in the alien smuggling scheme, but was unsure of the amount. Senaida (Juvenile) stated VALENZUELA was the driver of the vehicle and she was the front seat passenger. Senaida (Juvenile) further stated her cousin, Raymundo FRANCO and their friend Fabian PARRA were the rear seat passengers. Senaida (Juvenile) further stated that when they approached the pickup location, VALENZUELA made a U-turn and told them to "get ready, because we're going to pick up people". Senaida (Juvenile) stated that VALENZUELA then proceeded to stop the vehicle and at that time the aliens jumped into the cargo area of her truck. Senaida (Juvenile) further stated she observed Border Patrol vehicles with their lights on, and VALENZUELA drove away at a high rate of speed. Senaida (Juvenile) stated she told VALENZUELA "what are you doing, just stop". Senaida (Juvenile) stated VALENZUELA was ignoring what she was telling him while they were being pursued. Senaida (Juvenile) stated she was in fear for her life, especially when VALENZUELA began driving with the vehicle's lights off, in an attempt to evade arrest. Senaida (Juvenile) stated that when they drove into Deming, NM, VALENZUELA stopped the vehicle, and everyone got out. Senaida (Juvenile) stated FRANCO told her to take her identification documents with her, and that they ran in different directions. Senaida (Juvenile) was found in possession of the vehicle registration along with the owner's manual at the time of her arrest. Senaida (Juvenile) further stated that she and VALENZUELA ran into an alley, jumped into a backyard, and hid in a shed until they were apprehended. Furthermore, Senaida (Juvenile) denied having any knowledge of where FRANCO and PARRA might have gone.

FOOT GUIDE #1 STATEMENT:

David Alvidrez

United States Magistrate Judge
June 14, 2014

Border Patrol Agent
June 14, 2014

# STATE AND DISTRICT OF NEW MEXICO

**VALENZUELA, Carlos**
**FERNANDEZ-Guevara, Gabriel**
**PADILLA-Zamudio, Mariel**

Agents interviewed FERNANDEZ; FERNANDEZ is one of the undocumented aliens apprehended in the smuggling scheme. FERNANDEZ was provided with Government form I-214, Warning as to Rights, and signed that he understood his rights and was willing to talk to agents without the presence of an attorney. FERNANDEZ made the following statement, but not verbatim, about his involvement in the alien smuggling scheme.

FERNANDEZ was advised that the other subjects he had been apprehended with had identified him as the group's foot guide. FERNANDEZ initially denied that he was a foot guide, but later recanted and stated that he was in fact the foot guide.

FERNANDEZ stated that he was guiding the group. When asked to explain, FERNANDEZ stated that he had previously guided several groups successfully illegally into the United States. FERNANDEZ this time was going to be paid $100 per each undocumented alien delivered successfully. FERNANDEZ stated that a couple of weeks ago he had guided a group through the same route. Once he delivered the group he was taken back to Mexico trough El Paso, Texas and back into Ciudad Juarez, Chihuahua.

FERNANDEZ identified VALENZUELA as the driver who returned him to Mexico. He also stated that VALENZUELA was driving the same Chevrolet Pickup which was used to transport the subjects with this case.
FERNANDEZ was asked if he acted alone or if he had help in guiding the group. FERNANDEZ identified a subject later identified as Mariel PADILLA-Zamudio. FERNANDEZ states that PADILLA was involved in the smuggling scheme as an apprentice.

FOOT GUIDE #2 STATEMENT:

Agents interviewed PADILLA; PADILLA is one of the undocumented aliens apprehended in the smuggling scheme. PADILLA was provided with Government form I-214, Warning as to Rights, and signed that he understood his rights and was willing to talk to us without the presence of an attorney. PADILLA made the following statement, but not verbatim, about his

United States Magistrate Judge
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David Alvidrez
Border Patrol Agent
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## STATE AND DISTRICT OF NEW MEXICO

**VALENZUELA, Carlos**
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**PADILLA-Zamudio, Mariel**

involvement in the alien smuggling scheme.

PADILLA stated that a few weeks ago he had made smuggling arrangements with a smuggler known to him as "KIKO". PADILLA stated that he was subsequently apprehended and deported back to Mexico. PADILLA further stated that he contacted "KIKO" via cell phone and again made smuggling arrangements and he was transported to U.S./Mexico International Border with a group of seven individuals. PADILLA stated that they walked for two days and were picked up by a white truck. PADILLA stated that they were chased by law enforcement.

PADILLA stated that the truck eventually stopped and they were told by the driver to get out and run. PADILLA stated that he ran and hid near some brush. PADILLA stated that he was eventually found by Border Patrol and was arrested.

PADILLA was asked if he was being trained to be a future footguide. PADILLA was also told that he was identified by other members of the group as a guide in training. PADILLA stated that he was not a guide and that he just wanted to come and work in the United States. PADILLA stated that his phone calls to the smuggler KIKO were only to make arrangements with him. PADILLA admitted that while he and the rest of the group made their way through the desert he would provide "KIKO" with updates on their status in an attempt to facilitate a successful pickup.

AUSA Rancy Castellano was notified of the afformentioned facts and approved criminal prosecution.

United States Magistrate Judge
June 14, 2014

David Alvidrez
Border Patrol Agent
June 14, 2014